

From: dcsinks@comcast.net
Sent: 9/17/2010 4:17:20 AM

To: "William Richardson" <richardson.william@epa.gov>; "Werner Loehlein" <werner.c.loehlein@usace.army.mil>; "Tom Mroz" <THOMAS.MROZ@NETL.DOE.GOV>; "Steve Garvin" <SGarvin194@aol.com>; "Skip Pratt" <Skip.Pratt@NETL.DOE.GOV>; "Scott The Missing Link Link" <missinglink.missinglink@verizon.net>; "Scott Mandirola Scott.G." <Mandirola@wv.gov>; "Ryan Dean" <ryan.v.dean@chk.com>; "Russell L. Bolyard MEPCO" <rbolyard@mepcoinc.com>; "Robert Sheedy" <rms47@aol.com>; "Robbie Matesic" <rmatesic@co.greene.pa.us>; "Rob Bealko" <rbealko@wvog-aop.com>; "Richard Walters" <rewalters@comcast.net>; "Richard Collier" <rreilloc@hotmail.com>; "Raymond Renaud" <ray@eDeltaNET.com>; "Peggy Sue Miller" <wvmiller@hotmail.com>; "Paul Hamrick" <ChubnWV@aol.com>; "Paul B. Brown" <pbrown4348@comcast.net>; "Patrick Murphy" <pmurphy@mepcoinc.com>; "Patrick Campbell" <Patrick.V.Campbell@wv.gov>; "Nathan Askins" <nate.askins@mail.wvu.edu>; "Mike Withers" <1nastynash@comcast.net>; "Mike Manypenny" <globalimpactman@gmail.com>; "Melissa O'Neal" <meliss.oneal@gmail.com>; "Mark Nelson" <nelson.mark@epa.gov>; "Mark McCurdy" <mmccurdy@pahouse.net>; "Marilyn Hunt" <rhunt@ovis.net>; "Louis Reynolds" <Reynolds.Louis@epa.gov>; "Louis P. Bonasso" <lbbonasso@aopclearwater.com>; "Lisa Snider" <lsnider@co.greene.pa.us>; "Leroy Stanley" <LGSCarpOrg@aol.com>; "Larry Merrill" <merrill.larry@epa.gov>; "Joseph Swearman" <josephswearman@consolenergy.com>; "Jonathan Pachter CONSOL ENERGY" <jonathanpachter@consolenergy.com>; "Jon Capacasa" <capacasa.jon@epa.gov>; "John Yesenosky" <justyjohn1@yahoo.com>; "John Snyder" <snyder.je@gmail.com>; "John Pomponio" <pomponio.john@epa.gov>; "John M. Love" <John.M.Love@dom.com>; "John M. Angiulli MEPCO" <john.angiulli@chk.com>; "John Forren" <forren.john@epa.gov>; "John Flynn" <jflynn41@aol.com>; "John Eleyette" <JMELEYETTE@rocketmail.com>; "John Duda" <john.duda@netl.doe.gov>; "John Duarte" <jmduarte@comcast.net>; "John & Ellen Britton" <ebritton@labs.net>; "Joe Lapcevic" <jlapcev@alleghenyenergy.com>; "Jim Sconyers" <jim_scon@yahoo.com>; "Jim Evans" <wildlife99@comcast.net>; "Jim Ammer" <JAMMER@netl.doe.gov>; "Jerod Harman" <jharman12@cebridge.net>; "Jerald Fletcher" <jfletch@wvu.edu>; "Jeanie Patton" <tourism@co.greene.pa.us>; "Jason Walls" <jmwalls73@yahoo.com>; "Janet Lenox" <jlenox@cheat.org>; "Holly Cairns" <hcairns@state.pa.us>; "Greg Bellich" <Gregory.A.Bellich@usace.army.mil>; "Greene County Watershed Alliance" <greenewatersheds@gmail.com>; "Frank Borsuk" <borsuk.frank@epa.gov>; "Emily Perrotta" <savethetygart@gmail.com>; "Ed Wade" <ace00767@yahoo.com>; "Dorothy Bassett" <debassett1@gmail.com>; "Don Spencer" <dspencer36@comcast.net>; "Don Garvin" <dsgjr@aol.com>; "Deb Fulton" <dfvet@aol.com>; "David Wellman" <davidwellman@wvdnr.gov>; "Dave Milne" <dmilne@juno.com>; "Dave Johnson" <mayordave@comcast.net>; "Dave Bott" <dwbott@westco.net>; "Dave Bean" <dbean241@comcast.net>; "Daniel Soeder" <Daniel.Soeder@netl.doe.gov>; "Daniel J. Miller" <dmille31@mail.wvu.edu>; "Cynthia Loomis" <Cynthia@loomislawoffice.com>; "Curtis Meeder" <Curtis.N.Meeder@usace.army.mil>; "Craig Lefevre" <craig.lefevre@mail.wvu.edu>; "Cookie Coombs GMCVB" <ccoombs@tourmorgantown.com>; "Constance Miller" <calm9654@gmail.com>; "Cliff Whyte" <cliff.whyte@netl.doe.gov>; "Chris Hardie" <chardie@co.greene.pa.us>; "Charlie Byrer" <charliebyrer@gmail.com>; "Carolyn Hampson" <giselle@iolinc.net>; "Bryan Moore" <bmoore@tu.org>; "Brian Osborn" <bosborn@mepcoinc.com>; "Brent Wiles" <LBWiles@comcast.net>; "Bob Wells Zinka-Ent Inc" <jwells4967@aol.com>; "Bob Ventorini" <rventorini@state.pa.us>; "Bill Wyant" <wwyant@hsc.wvu.edu>; "Bill Weiss" <weisswilliam@yahoo.com>; "Bill Schuller" <William.Schuller@eg.netl.doe.gov>; "Bill Goodwin" <bgoodwin@cityofclarksburgwv.com>; "Bill Byrne" <bill@byrnehedges.com>; "Bill Austin" <baustin@moncpc.org>; "Ben Adducchio" <badducchio@wvpubcast.org>; "Athey Lutz" <projdir@northforkwatershed.org>; "Angela McFadden" <McFadden.Angela@epamail.epa.gov>; "Amanda Pitzer" <amanda@cheat.org>; "Alan Vicory ORSANCO" <avicory@orsanco.org>; "Erin Halloran" <erin.halloran@mail.wvu.edu>

CC:
Subject: Fw: DAILY UPDATE 17 September 2010. News of interest to Mon river watershed denizens.

Don Strimbeck, Sec/Treas
Upper Mon River Assoc
UpperMon.org
MonRiverSummit.org
WVU t-shirts & prints - FindHarri.com
109 Broad Street, P. O. Box 519
Granville WV 26534-0519
304-599-7585 (fax 4131)
dcsinks@comcast.net

----- Original Message -----

From: Donald C. Strimbeck

To: Sent: Friday, September 17, 2010 4:16 AM

Subject: DAILY UPDATE 17 September 2010. News of interest to Mon river watershed denizens.
DUNKARD CREEK-17SeptY2K10

Dominion Post editorial Friday 17 September 2010:

<http://ee.dominionpost.com/Repository/ml.asp?Ref=RFBvc3QvMjAxMC8wOS8xNyNBcjAxMjAy&Mode=Gif&Locale=english-skin-custom>
EDITORIAL

Drilling ahead: Use caution

State must generate reasonable regulations before tapping Marcellus shale revenue

The cradle of Appalachia's coal industry might be rocking a little monster.

Although Marcellus shale drilling is still in its infancy in West Virginia, this industry's impact is looming large, including in Marion, Monongalia and Preston counties. We want to make this clear: We are not opposed to Marcellus shale drilling or any extractive industry that develops and makes the most of our state's natural resources.

After all, those industries are integral to not only our state's progress, but they account for our nation's status as a world leader.

However, there's still a mentality around that was responsible for the coal industry's worst scars in the past, that may be the template for Marcellus shale drilling.

The Marcellus shale field is a rich natural gas reserve underlying West Virginia, Ohio, Pennsylvania and New York. The gas is locked in compacted rock a mile underground. Freeing it requires horizontal drilling techniques. Those techniques involve injecting millions of gallons of chemical-laced water at a high pressure deep into the ground, freeing the gas.

The water used comes from local waterways and is disposed of into holding ponds for treatment and then returned to its source.

That's the ideal. However minimal regulations monitor these enormous withdrawals of water, its transportation, its storage or its disposal.

Although many legislators are for immediately tapping into this revenue stream, we insist they first generate the necessary regulations.

Otherwise, the state is giving this industry an incentive to take risks on the assumption that someone else will pay the tab for any errors.

Errors like the recent BP oil spill, or more locally, the old Richard Mine, a source of acid mine drainage into Deckers Creek for decades.

Such errors are a compelling case for reasonable regulation and oversight to create a more sensible balance between risk and gain.

The state Legislature is expected to begin debating Marcellus shale drilling regulations shortly. Meanwhile, the U.S. Environmental Protection Agency is preparing a major study into this form of drilling, which may result in regulations.

No one here disputes whether this form of natural gas drilling should be permitted. Nor do we suggest the state not avail itself of these lucrative revenues.

Those are not the issues. The issue is we have the opportunity to do this right. And that requires reasonable regulations and the funding and staffing to enforce them so we don't wake up to a disaster.

<http://ee.dominionpost.com/Repository/ml.asp?Ref=RFBvc3QvMjAxMC8wOS8xNyNBcjAwMTAx&Mode=Gif&Locale=english-skin-custom>

Group: CONSOL settles pollution case

Associated Press

W.VA. CREATES

wildlife management area on CONSOL land in Marion County.

Page 2-A. MARION

gets \$150K for park upgrades.

Page 6-A.

CHARLESTON — Coal and natural gas producer CONSOL Energy has agreed to strengthen pollution controls at a southern West Virginia surface mine to settle an environmental lawsuit, the Sierra Club said Thursday.

The agreement calls for CONSOL's Powellton Coal subsidiary to cut discharges of aluminum, iron and other pollutants into tributaries of the Gauley River from the Bridge Fork mining complex in Fayette County. The deal also calls for a \$1.2 million donation to WVU College of Law and \$134,000 in federal fines, among other things.

"It's about time Powellton faced up to its responsibility to clean up its own mess," Sierra Club spokesman Jim Sconyers said in a statement.

The Gauley is a popular river among whitewater rafters.

"This is a great victory not only for the streams that we depend on, but also for the Gauley River National Recreation Area and the New River National River," said Beverly Walkup, secretary of the Ansted Historic Preservation Council, which brought the lawsuit with the Sierra Club in 2008.

A CONSOL spokesman did not immediately return a telephone message.

The donation to WVU is supposed to help create a clinic to provide legal help to communities that want to protect the New and Gauley watersheds, the Sierra Club said. Among other things, the clinic is supposed to help land trusts acquire conservation easements and work on residential sewage problems.

The agreement also would increase future values to \$2,000 per violation in the first year of the agreement to as high as \$12,000 in the third year.

CONSOL SETTLEMENT

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STATE BRIEFS page 2A Dominion Post:

Wildlife management area created in Marion

FAIRMONT — West Virginia's Division of Natural Resources said it's creating a new wildlife management area on land leased from coal and gas producer CONSOL Energy.

The agency said Thursday the new Dents Run Wildlife Management Area will be the DNR's first such recreation area in Marion County. A dedication is set for Sept. 24.

DNR director Frank Jezioro said the wildlife management area will be especially beneficial to hunters and anglers from Harrison, Marion and western Monongalia counties, where public hunting lands are scarce.

Dents Run consists of 1,226 acres — just under 2 square miles — in western Marion County near Mannington.

Charleston Gazette Friday 17 September 2010:

September 16, 2010

Sierra Club: Consol settles W.Va. pollution case

By The Associated Press

The Associated Press

CHARLESTON, W.Va. (AP) - Coal and natural gas producer Consol Energy has agreed to strengthen pollution controls at a southern West Virginia surface mine to settle an environmental lawsuit, the Sierra Club said Thursday.

The agreement calls for Consol's Powellton Coal subsidiary to cut discharges of aluminum, iron and other pollutants into tributaries of the Gauley River from the Bridge Fork mining complex in Fayette County. The deal also calls for a \$1.2 million donation to West Virginia University College of Law and \$134,000 in federal fines, among other things.

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A Consol spokesman did not immediately return a telephone message.

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Mon River's unsafe levels of bromide prompt probe

By Tim Puko

PITTSBURGH TRIBUNE-REVIEW

Friday, September 17, 2010

State environmental investigators are trying to determine the source of a chemical that Carnegie Mellon University researchers say is responsible for carcinogens in drinking water from the Monongahela River. Department of Environmental Protection workers are investigating whether coal, power and oil- and gas-drilling industries are to blame for unsafe levels of bromide in the river, said Ron Schwartz, assistant director of DEP's southwest region, at a daylong symposium Thursday at CMU. It could take weeks or months to determine who is at fault, he said. "There's very little, if anything, the (water) utilities can do to remove that from their water," Schwartz said. "The key is to remove it from the source points."

There is no significantly increased risk of cancer from the water right now, he said.

That could change if the bromide problem persists, said Jeanne VanBriesen, a CMU professor and director of Water Quality in Urban Environmental Systems, a research center at CMU.

The Monongahela River basin provides drinking water for about 1 million people in Pennsylvania and West Virginia. In July and August, VanBriesen's research team found bromide combined at higher levels than usual with sanitizing chemicals in drinking water from the Mon, creating carcinogenic byproducts. If the trend continues, levels of carcinogens could remain elevated for months, violating federal safe drinking water standards, she said.

Bromide is found naturally in seawater and underground rock formations and is even in Mountain Dew. It also is used as a flame retardant for upholstery.

If bromide is in the river water when the water is chlorinated, it can combine with chlorine to create a disinfectant byproduct, VanBriesen said.

Those byproducts can cause cancer, but they are common in drinking water in trace amounts. Federal regulations require they be kept at minimal levels.

Cycles of elevated pollution have plagued the Mon since 2008, and water utilities have reported higher-than-expected levels of bromide during peak times, VanBriesen said. Her team began its research a year ago using water monitors throughout the Mon basin, and bromide levels stayed low and steady until spiking this summer, she said.

VanBriesen began searching for bromide in a quest to discover whether Marcellus shale gas drilling was polluting the river. Bromide and gas come up together from deep shale deposits, making it a signature component of wastewater from shale drilling, according to experts.

Power plants also use the chemical to clean their cooling towers, she said.

The gas drilling industry is not likely at fault because the state since 2008 has imposed strict limits on how companies dispose of wastewater, said Matt Pitzarella, spokesman with Range Resources, a Fort Worth-based gas company with an office in Cecil.

Doug Colafella, a spokesman for Allegheny Energy, which owns three power plants on the Mon, declined to comment.

Tim Puko can be reached at tpuko@tribweb.com or 412-320-7991.

Washington PA Observer Reporter Friday 17 September 2010:

Consulting firm says fracking chemicals found in water wells

9/17/2010 3:31 AM

DIMOCK - A private consulting firm says it found toxic chemicals in the drinking water of a Pennsylvania community already dealing with methane contamination from natural gas drilling.

Environmental engineer Daniel Farnham said Thursday that his tests, which were verified by three laboratories, found industrial solvents such as toluene and ethylbenzene in "virtually every sample" taken from water wells in Dimock Township, Susquehanna County.

Farnham, who has tested water for both gas interests and for local residents, said it would be impossible to say that the chemicals he found were caused by gas drilling.

The chemicals, at least one of which, ethylbenzene, may cause cancer, are among dozens used to hydraulically fracture shale deposits to unlock natural gas trapped thousands of feet underground. The chemicals are also used in an array of products ranging from paint thinner to gasoline.

The contaminated Dimock wells are in the gas-rich Marcellus Shale, where a rush to tap the vast stores has set off intense debate over the environmental and public health impact of the drilling process. Millions of gallons of water mixed with numerous chemicals and sand are blasted deep into the earth to free gas from the shale rock. As much as 90 percent of the mixture is left underground.

Dimock residents sued Houston-based Cabot Oil & Gas Corp. last year, alleging the drilling company polluted their wells with methane gas and other contaminants. Pennsylvania's Department of Environmental Protection said defective casings on at least three of Cabot's wells allowed gas to pollute groundwater. Cabot was fined more than \$240,000 and ordered to clean up the pollution.

On Thursday, DEP said it would spend about \$10.5 million to provide safe water for the affected Dimock residents, connecting their homes to a municipal water supply in Montrose, about six miles away. The residents balked at an earlier fix that would have placed large, whole-house water treatment systems in each of the 14 affected homes.

DEP chief John Hanger told the Associated Press that the connection to public water is "the best, and really only, solution" and that if Cabot balks at paying the tab, the state will pay for the work itself - then go after Cabot for the money. Officials and residents had discussed another option - drilling a well or wells and piping that water to the homes - but

Hanger said it was dropped because "we don't believe that will ensure a permanent, safe supply of water."

A person who took part in the discussions said Hanger told residents the entire aquifer might be polluted by gas drilling operations.

"He said, 'I cannot guarantee that there is any water in the aquifer that is clean today, that will be clean next week, that will be clean six months after the whole system is put in, because of the drilling activity and the damage to the aquifer.' It was repeated twice," said the person, who spoke on condition of anonymity to discuss a private meeting.

Later Tuesday, Hanger denied through a spokeswoman making the statement. DEP spokeswoman Helen Humphries said Hanger believes the threat of stray gas migration is the chief problem with drilling new water wells.

"We want to ensure there's not a chance for methane gas to migrate into the water wells. The best way of doing that is to install a water line to provide public water," she said.

On Tuesday, 13 families in Lenox Township, about 8 miles from Dimock, sued another Houston driller, Southwestern Energy Co., claiming their wells were contaminated with fracking fluids. Southwestern denied any problems with its well. In Dimock, Farnham said the water samples were tested independently by three labs, all of which showed the same results.

But Farnham said it's impossible to tell where the chemicals came from.

"Can anybody say that this came from fracking, or from frack flowback? There's no way a true scientist would be able to make that determination based on the data that we have," he told the Associated Press on Thursday. "Until and unless we are able to put a dye or marker in the frack liquid, it's going to be awfully difficult to prove irrefutably that it's coming from frack."

Cabot spokesman George Stark said the chemicals existed in some wells before drilling began.

"We have asked for samples of the affected well water so we can do an independent analysis," he said.

Dimock residents have claimed their wells were contaminated shortly after Cabot started drilling near their homes, saying the water that came out of their faucets suddenly became cloudy, foamy and discolored, and smelled and tasted foul.

One resident's well exploded on New Year's Day 2009, prompting a state investigation that found Cabot had allowed combustible gas to escape into the region's groundwater supplies.

Cabot says the methane in the residents' wells might be naturally occurring.

Farnham - hired by Cabot in 2008 to perform pre-drill testing of residential water wells in Dimock - said those tests did not turn up any problems, adding he did not even test for the chemicals that Cabot claims existed prior to drilling.

After the drilling began, Farnham was asked by residents to test their water, and was later hired by plaintiffs' attorneys.

"It doesn't take me or any scientist to see some of the impacts on the drinking water," he said. "Your drinking water goes from clear and fine, to a week later being yellow-colored, sediment on the bottom, foam on the top and an oily smell to it. It's not a figment of anybody's imagination."

The Dimock test results were first reported by The Times-Tribune of Scranton.

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----- Original Message -----

From: [Frank Jernejcic](#)

To: [Don Strimbeck](#)

Sent: Thursday, September 16, 2010 7:55 PM

Subject: FW: WVDNR News: CONSOL Energy Inc. leases property to DNR to establish Marion County wildlife management area

From: Murphy, Jr., Hoy R [<mailto:Hoy.R.Murphy@wv.gov>]

Sent: Thu 9/16/2010 3:47 PM

To: undisclosed-recipients

Subject: WVDNR News: CONSOL Energy Inc. leases property to DNR to establish Marion County wildlife management area

West Virginia Division of Natural Resources

www.wvdnr.gov

Joe Manchin III, Governor

Frank Jezioro, Director

News Release: September 16, 2010

Hoy Murphy, Public Information Officer 304-957-9365 hoy.r.murphy@wv.gov

Contact: Curtis Taylor, Wildlife Resources Section 304-558-2771 dnr.wildlife@wv.gov

**CONSOL Energy Inc. leases property to DNR to establish Marion County wildlife management area
Dedication Scheduled for Sept. 24**

FAIRMONT, W.Va. – Hunters, anglers and other outdoors enthusiasts in the northern part of the state soon will have a place to enjoy their activities closer to home. The Wildlife Resources Section of the West Virginia Division of Natural Resources (WVDNR) has announced the establishment of a new wildlife management area in Marion County, according to Frank Jezioro, director of the WVDNR. "The Dents Run Wildlife Management Area (WMA) has been leased to the WVDNR by CONSOL Energy Inc. for the public's enjoyment and benefit," said Jezioro.

Dents Run WMA is the first such publicly accessible area managed for wildlife-associated recreation to be established in Marion County.

"Because of the large number of hunters and anglers who reside in this region of the state and the scarcity of public lands in Harrison, Marion and western Monongalia counties, this lease arrangement will be an important component of our agency's wildlife management area system," Jezioro said. "The opportunity provided by CONSOL Energy Inc. for hunters, anglers and other outdoor enthusiasts to enjoy this land through this lease arrangement is commendable."

"Such a project illustrates that a private/public partnership can be a showcase for wildlife habitat enhancement and environmental stewardship," said J. Brett Harvey, CONSOL Energy Chairman, President and CEO. "CONSOL Energy's involvement in this project with the State of West Virginia is but another example of the beneficial use of surplus property for recreational and outdoor sports activity on land that once supported an underground coal mine. CONSOL is very gratified to be a part of this and prior such efforts to ensure that our surplus assets are put to good use and for the benefit of the local community."

The Dents Run WMA lies in western Marion County and consists of 1,226 acres. Access to the Dents Run WMA is by way of County Route 1 (Buffalo Road) and County Route 5 (Dents Run Road), with the WMA lying approximately 1.5 miles from Mannington. The WMA, which is primarily forested, will provide hunting opportunities for deer, wild turkey, squirrel, waterfowl and other game species. In addition, a 30-acre impoundment will provide the public with warmwater fishing opportunities.

A special dedication recognizing this generous lease by CONSOL Energy Inc. to the State of West Virginia is scheduled for Friday, Sept. 24, at 10 a.m. The dedication site is located along County Route 5 (Dents Run Road), approximately 1.8 miles from its intersection with County Route 1 (Buffalo Road). The dedication will be held on the lake side of the dam, approximately 0.25 miles from Dents Run Road, along the access road (Hibbs Run Road). A WVDNR vehicle will be parked along County Route 5 on the morning of September 24th to offer further directions, if necessary. The public is cordially invited to attend this event.

To obtain additional information and/or maps of the Dents Run WMA, contact the WVDNR District 1 Office in Farmington at 304-825-6787.

****DNR****

Don Strimbeck, Sec/Treas
Upper Mon River Assoc
UpperMon.org
MonRiverSummit.org
WVU t-shirts & prints - FindHarri.com
109 Broad Street, P. O. Box 519
Granville WV 26534-0519
304-599-7585 (fax 4131)
dcsoinks@comcast.net

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